

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB329

Hearing Date: Tuesday February 15, 2011
Committee On: Urban Affairs
Introducer: Cook
One Liner: Update the International Energy Conservation Code and change Nebraska Energy Code provisions

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Ashford, Coash, Cook, Krist, McGill, Schumacher, Smith
Nay:
Absent:
Present Not Voting:

Proponents:

Tanya Cook
Dave Johnson
Ginger Wilson
Chad Podolak
Nathan Pepper
Todd Hall
Steve Nordhoes
Paul Karrer

Representing:

Self
AIA NE
Nebraska Energy Office
ssociation
Midwest Energy Efficiency Alliance
Lincoln Electric System
Nebraska Code Officials Association
Building Codes Assistance Project

Opponents:

Representing:

Neutral:

Justin Brady
Gary Krumland

Representing:

Nebraska State Home Builders
League of Nebraska Municipalities

Summary of purpose and/or changes:

This bill amends the same sections of statute as does LB 55, with some additional changes.

LB 329 amends Neb.Rev.Stat. 72-804, 72-805, 72-806, 81-1608, 81-1609, 81-1611 by updating to the 2009 version International Energy Conservation Code as the Nebraska Energy Code, from the currently used 2003 version of the code.

Section 1 of the bill applies the 2009 update to the code to any new state building, and to any new lighting, heating, cooling, ventilating or water heating equipment, and any new building envelope components in state owned buildings.

Section 2 requires the 2009 version of the code to apply to all new buildings constructed in whole or in part with state funds after the effective date of this act.

Section 3 of the bill exempts buildings subject to section 72-804 from enforcement provisions of Chapter 1 of the 2009 International Energy Code. Buildings subject to 72-804 are any new state building, or any new lighting, heating, cooling,

ventilating, or water heating equipment or controls in a state-owned building and any new building envelope components installed in a state-owned building, as shown in section 1 of this bill.

Sections 4 through 11 of the bill amend sections of statute that created the Uniform Energy Efficiency Standards within the State Energy Office.

Section 4 is amending section 81-1608, the statute dealing with Legislative Findings on Uniform Energy Efficiency Standards, to adopt the 2009 version of the International Energy Code.

Section 5 of this bill changes the definition of "Building" by inserting the more general language used or intended for supporting or sheltering any use or occupancy, and striking the specific uses previously included. It specifically excludes any structure that has a consumption of traditional energy sources for all purposes which does not exceed the energy equivalent of three and four-tenths British Thermal Units (BTUs) per hour or one watt per square foot. Subsection (9) changes the definition of the Nebraska Energy Code from the 2003 International Energy Code to the 2009 version of that code.

Section 6 adopts the 2009 International Energy Code as the Nebraska Energy Code.

Section 7 changes the effective date of the statute from July 1, 2005 to the effective date of the act.

Section 8 exempts certain buildings from the Uniform Energy Efficiency Standards, specifically referencing buildings that are historic property or on the state or National Register of Historic Places.

Section 9 amends section 81-1616 by striking the language that allowed for buildings located in a county, city, or village which has adopted the Nebraska Energy Code pursuant to 81-1618 to be exempt from the provisions of this section.

Section 10 allows any county, city, or village to adopt and enforce an energy code or standard, which shall be deemed equivalent to the Nebraska Energy Code if it does not result in energy consumption greater than would result from the strict application of the Nebraska Energy Code and is reasonably consistent with sections 81-1608 to 81-1626.

This section goes on to allow any county, city or village to waive a specific requirement of the Nebraska Energy Code when meeting such requirement is not economically justified. The local code authority is required to submit its analysis explaining this determination to the State Energy Office. The new language inserted requires written approval by the State Energy Office be given to the local code authority, before they may proceed to enforce their ordinance, resolution, code, or standard.

Section 11 amends 81-1620 to require a training program to provide initial technical assistance to local code officials and residential and commercial builders upon adoption and implementation of a new Nebraska Energy Code, and provides for subsequent requests for training to be fulfilled at a fee that pays for the State Energy Offices costs for the training.

Explanation of amendments:

The amendment to LB 329 strikes section 10 of the bill. This removes the language that would require a city, county, or village to receive written approval from the State Energy Office prior to proceeding with enforcement of their ordinance, resolution or code which waives a specific requirement of the Nebraska Energy Code when meeting that requirement is not economically justified.

Cities, counties and villages are still required to submit their analysis for determining such requirement is not justified, but not required to wait for written State Energy Office approval.

Amanda McGill, Chairperson